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Page 4

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MAY 23 2002

In re Application of
Satloff & Satloff
Serial No. 10/005,922
Filed: November 20, 2001
Attorney Docket No. SATLOFF 202-KFM

:
: DECISION GRANTING
: PETITION
:

This is a decision on the correspondence entitled, "PETITION TO ADVANCE FILING DATE," filed January 15, 2002, (certificate of mailing date December 26, 2001) requesting that the above-identified application be accorded a filing date of November 20, 2001, instead of the presently accorded date of December 7, 2001.

Petitioners attempted to deposit the application in "Express Mail" service with the U. S. Postal Service (USPS), on November 20, 2001. Unfortunately, on November 16, 2001, the USPS issued a memorandum temporarily and immediately suspending Express Mail service to Washington, D.C. zip codes 202xx through 205xx. The United States Patent and Trademark Office (USPTO) designated this interruption in USPS Express Mail service as a postal service interruption within the meaning of 35 USC 21(a) and 37 CFR 1.6(e).

The USPTO published a notice in the Official Gazette on October 9, 2001 that provides guidance in situations like this one, when deposit in Express Mail is refused due to the suspension. See United States Postal Service Interruption and Emergency, 1251 Off. Gaz. Pat. Office 55 (Oct. 9, 2001).

In accordance with the O.G. Notice, petitioners have mailed the USPTO a copy of the correspondence by first class mail with a statement by the person who originally deposited the correspondence with the USPS by Express Mail, Mr. Karl F. Milde, Jr.. The properly signed and dated statement declares that Mr. Milde attempted to deposit the correspondence into Express Mail on November 20, 2001, but the USPS refused to accept it.

In addition, petitioners have provided a copy of blank Express Mail label "ET 603 359 933 US" with a USPS date stamp showing November 20, 2001 affixed thereto. The same Express Mail label number is cited on the transmittal letter found among the original application papers.

The evidence is convincing that petitioners attempted to deposit the application as "Express Mail" with the U.S. Postal Service on November 20, 2001, but due to a postal emergency, the package was refused by the USPS. In addition, petitioners promptly filed the application by another means of postal delivery after the Express Mail package was refused by the USPS .

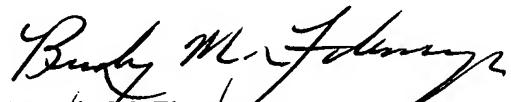
In view of the above, the petition is granted.

Pursuant to petitioners' authorization, the \$130.00 petition fee submitted with the instant petition will be credited to deposit account 50-0427.

The application will be returned to the Office of Initial Patent Examination for further processing

with a filing date of November 20, 2001. Thereafter, the application will be forwarded to Technology Center 3700 for examination in due course.

Telephone inquiries concerning this matter should be directed to Petitions Attorney E. Shirene Willis at (703)308-6712.



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy